

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FILED

In re: WELLBUTRIN XL ANTITRUST
LITIGATION

SEP 2 11 2 2008
MCHESNEY, Clerk
U.S. DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

THIS DOCUMENT RELATES TO:

Case No. 08-cv-2431 (direct)

MEIJER, INC. and MEIJER DISTRIBUTION,
INC.,

Plaintiffs,

v.

STIPULATION AND [PROPOSED]
ORDER REGARDING INITIAL
CASE SCHEDULING AND
CONSOLIDATION OF CLASS
ACTION COMPLAINTS AS TO
DEFENDANT GLAXOSMITHKLINE
PLC

BIOVAIL CORPORATION, BIOVAIL
LABORATORIES, INC., BIOVAIL
LABORATORIES INTERNATIONAL SRL,
SMITHKLINE BEECHAM, CORP. and
GLAXOSMITHKLINE PLC,

Hon. Mary A. McLaughlin

Defendants.

This Stipulation is entered into by and between Plaintiffs Meijer, Inc. and Meijer Distribution, Inc. ("Plaintiffs") and Defendant GlaxoSmithKline plc ("Defendant") (together, "the parties"). The parties, through the undersigned counsel, hereby agree and request that the Court enter the accompanying proposed Order, providing:

1. On June 20, 2008, Meijer, Inc. and Meijer Distribution Inc., along with plaintiffs in separate, related actions, and SmithKline Beecham Corporation ("SmithKline Beecham"), along with co-defendants Biovail Corporation, Biovail Laboratories, Inc., and Biovail Laboratories International SRL (the "Biovail defendants"), filed a Stipulation and

[Proposed] Order Regarding Initial Case Scheduling and Consolidation of Class Action Complaints.

2. The stipulation provided, among other things, that (i) Plaintiffs, along with the plaintiffs in the other related actions, would prepare and file two consolidated complaints, one consolidating all “direct purchaser” claims and the other consolidating all “indirect purchaser” claims; (ii) the Biovail defendants and SmithKline Beecham will have until September 10, 2008, to answer or otherwise respond to the complaints; and (iii) the Biovail defendants and SmithKline Beecham are not required to answer or otherwise respond to any other complaints previously filed by any of the plaintiffs.

3. The stipulation was entered as an Order by Judge Kauffman on June 26, 2008.

4. At the time, Plaintiffs had not served GlaxoSmithKline plc and GlaxoSmithKline plc was not a party to the stipulation.

5. Plaintiffs’ counsel has represented to counsel for GlaxoSmithKline plc that, on August 6, 2008, GlaxoSmithKline plc was served with a copy of the original complaint filed by Plaintiffs.

6. The parties, through their undersigned counsel, hereby stipulate that the initial case scheduling order, entered by Judge Kauffman on June 26, 2008, and all subsequent

orders shall apply to Defendant GlaxoSmithKline plc for Case No. 08-cv-2431.

Dated: August 28, 2008

/s/ Erin C. Burns

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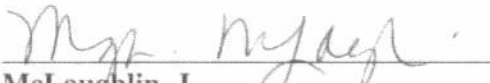
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So Ordered:


McLaughlin, J.

9-1-08